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In The
Supreme Court of the United States

October Term, 1955

No. [redacted] 88

W. B. TAYLOR,
Appellant,

VERSUS

STATE OF OKLAHOMA, ex rel. Ross Rutherford, County Attorney in and for Jackson County, State of Oklahoma,
Appellee.

APPEAL FROM THE SUPREME COURT OF OKLAHOMA

CHARLES ORLANDO PRATT,
Suite 301 Continental Building,
1012 Fourteenth Street, Northwest,
Washington 5, D. C.,
Attorney for Appellant.

MAY, 1956.

KING LAW BRIEF CO., 232 N.W. THIRD, OKLAHOMA CITY — PHONE FO 8-2969

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Filed
in Supreme Court
of Oklahoma
May 11, 1956
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APPEAL FROM THE SUPREME COURT OF OKLAHOMA

STATEMENT AS TO JURISDICTION

Appellant, W. B. Taylor, submits the following statement in support of his contention that the questions presented herein are substantial and that there is sufficient basis to invoke the jurisdiction of this Court to review on appeal the judgment of the Supreme Court

of Oklahoma in cause No. 36,745, in said court, affirming a decree of permanent injunction entered against appellant by the District Court of Jackson County, Oklahoma.

OPINION BELOW

The opinion of the Supreme Court of Oklahoma is officially reported in 291 P. 2d 1033. A copy of the opinion is attached as Appendix "A".

A copy of the judgment and decree of the District Court of Jackson County, Oklahoma, is attached as Appendix "B".

JURISDICTION

1. Appellant, being engaged in the practice of Naturopathy in Jackson County, Oklahoma, was permanently enjoined by the District Court of that county from "engaging in, or holding himself out as qualified to engage in the diagnosis or treatment of any human ill as defined in Sections 731.1 to 731.6, 59 Oklahoma Statutes 1951, and from using the prefix or abbreviation 'Dr.' and the word 'physician' before or after his name as provided by Sections 725.1 to 725.3, and Section 702, 59 Oklahoma Statutes 1951." These statutes, as interpreted both by the District Court and the Supreme Court of Oklahoma on Appeal, were held to preclude appellant from practicing his profession as a Naturopath

without obtaining a license or certificate issued "under the laws of Oklahoma authorizing such person to *practice the healing art covered by such license.*" Oklahoma has statutes specifically authorizing the issuance of licenses to medical doctors, osteopaths and chiropractors, but none specifically providing for the licensing of Naturopathic doctors. The validity of the aforesaid statutes, interpreted as applying to appellant, was drawn in question upon the ground of being repugnant to the Fourteenth Amendment to the Constitution of the United States, and the decision of the Supreme Court of Oklahoma upon appeal was in favor of their validity.

2. The Supreme Court of Oklahoma handed down its opinion on October 18, 1955. Appellant's petition for rehearing was denied on December 13, 1955. Notice of appeal was filed with the Clerk of the Supreme Court of Oklahoma on December 16, 1955, and on February 10, 1956, time for docketing this appeal in this Court was enlarged until March 15, 1956. Upon the 15th day of March, 1956, time for docketing this appeal in this Court was enlarged to and including May 14, 1956.

3. The statutory provision believed to confer jurisdiction of the appeal on this Court is 28 U. S. C. A. § 1257 (2).

4. The following cases are believed to sustain the jurisdiction of this Court:

Miller v. *Cornwall R. Co.*, 18 S. Ct., 168 U. S. 131, 42 L. Ed. 409;

Dobbins v. *Erie County*, 16 Pet. 435, 10 L. Ed. 1022;

Fiske v. *Kansas*, 47 S. Ct. 655, 274 U. S. 380, 71 L. Ed. 1108;

American Sugar Ref. Co. v. *Louisiana*, 21 S. Ct. 43, 179 U. S. 89, 45 L. Ed. 102;

Del Castillo v. *McConnico*, 18 S. Ct. 229, 168 U. S. 674, 42 L. Ed. 622;

Hague v. *Comm. for Ind. Org.*, 59 S. Ct. 954, 307 U. S. 496, 83 L. Ed. 1423;

Broad River Power Co. v. *S. C. ex rel. Daniel*, 50 S. Ct. 401, 281 U. S. 537, 74 L. Ed. 1023;

Winters v. *People of State of N. Y.*, 68 S. Ct. 665, 333 U. S. 507, 92 L. Ed. 840.

5. The Oklahoma Statutes, validity of which are involved, are Sections 731.1 to 731.6, Sections 725.1 to 725.3, and Section 702, 59 Oklahoma Statutes 1951. The provisions of these statutes are quoted in full in the opinion of the Supreme Court of Oklahoma as appears in Appendix "A". A copy of these statutes is attached as Appendix "C".

QUESTIONS PRESENTED

1. Whether the statutes involved, as interpreted and applied by the Supreme Court of Oklahoma, do not operate to confiscate appellant's property and deprive him thereof without due process of law contrary to Sec-

tion 1, of the Fourteenth Amendment to the Constitution of the United States.

2. Whether the statutes involved, as interpreted and applied by the Supreme Court of Oklahoma, do not abridge the privileges and immunities of appellant contrary to Section 1, of the Fourteenth Amendment to the Constitution of the United States.

3. Whether the statutes involved, as interpreted and applied by the Supreme Court of Oklahoma, do not deny to appellant the equal protection of the laws contrary to Section 1, of the Fourteenth Amendment to the Constitution of the United States.

4. Whether the state statutes set out in Chapter 16-A, Title 59, Page 357, of Oklahoma Session Laws of 1947, (Title 59, O. S. A., Sections 725.1-725.3) as interpreted and applied by the Supreme Court of Oklahoma, do not violate the Fourteenth Amendment to the Constitution of the United States.

STATEMENT

The State of Oklahoma on the relation of the County Attorney of Jackson County, Oklahoma, began this action in the District Court of that county, alleging that appellant, although "not the holder of a legal and unrevoked license or certificate issued under the laws of Oklahoma authorizing him to practice the healing art, or branch thereof," did hold himself out as qualified to

engage in the diagnosis and treatment of human ills and did append the name or abbreviation "Dr." in front of his name and did use the word "physician" in his advertising, in violation of the statutes above enumerated.

Appellant filed a combined demurrer and motion to dismiss in the trial court upon the ground, among others, that the statutes involved were unconstitutional, not uniform in their application, discriminatory, and in violation of the Fourteenth Amendment of the Constitution of the United States. This demurrer and motion was overruled by the trial court; whereupon answer was filed, in which the same defenses were again raised. The answer also alleged that the practice of Naturopathy, in which appellant was admittedly engaged, did not come within the provisions of the statutes involved, although a nationally recognized profession.

At least insofar as the questions here presented are involved, there was no substantial dispute as to the facts: That appellant was engaged in the practice of Naturopathy; that in such practice he diagnosed and treated certain human ills, without drugs or medicines; that he used the word, "Doctor" or abbreviation thereof, in front of his name, followed by the abbreviation, "N. D."; that he held a diploma from the College of Drugless Healing, of California, which college is recognized by the Federal Government under the G. I. Bill of Rights, in Manipulative and Physical Therapeutics, a certificate

from the California Physical Therapists Association, of California, as an active member, a degree of Bachelor of Arts in Psychosomatic Medicine from the College of General Sciences affiliated with the Golden State University, of California, and a degree of Doctor of Philosophy from Western University, of San Diego, California; but that the *only* license or certificate held by him authorizing him to practice Naturopathy in Oklahoma was one issued to him by the Oklahoma State Board of Naturopathy, purporting to be under authority of a corporate charter granted by the State of Oklahoma on June 3, 1939, to the Oklahoma Association and College of Naturopathy and Physiotherapy Doctors, Inc.; that he has no license or certificate issued by any State Board of Examiners, and that the statutes of Oklahoma do not provide for any specific Board of Examiners in Naturopathy, and do not specifically provide for the issuance by any State authority of a license or certificate to practice Naturopathy.

The Supreme Court of Oklahoma, on appeal, held that the commonly-called "Healing Arts Act" (Title 59, O. S. A. § § 731.1-731.6) and the commonly-called "Doctor's Title Act" (Title 59, § § 725.1-725.3) and id., § 702 defining "Healing Art" applied to appellant; that as so interpreted and applied, such statutes operate to deprive appellant of the right to practice Naturopathy unless he secures a license as a *Chiropractor, Medical*

Doctor, or *Osteopath*, and likewise deprive him of the right to append the abbreviation "N. D.", and that as so construed said statutes are not unconstitutional. That the federal questions were adequate and properly raised was recognized by the state court in its opinion.

THE FEDERAL QUESTIONS ARE SUBSTANTIAL

Merriam Webster's Collegiate Dictionary defines Naturopathy as:

> "A system of treatment of disease which emphasizes assisting nature. It sometimes includes the use of certain medicinal herbs, vitamins and salts, and certain physical means such as manipulation and electrical treatment."

Webster's new Sutern Dictionary defines Naturopathy as:

> "A system of physical culture and drugless treatment of disease by methods supposed to stimulate or assist nature."

The State Court in its opinion states:

> "The defendant admits that he has no license or certificate issued by the State Board of Examiners. *No board exists which is authorized to issue such license or certificate.* He does hold a license issued by authority of an Oklahoma Corporation which was created and set up by the Naturopaths themselves. The certificate which the defendant holds is not authorized by the laws of Oklahoma."

and, again:

> "We can conceive of no profession which affects the public welfare more than that of the practice of

medicine and allied professions which seek to cure or alleviate human ills, * * *"

and,

"* * * If the practice of Naturopathy is such as will benefit the people of Oklahoma, it seems that the Legislature should authorize its practice and provide such regulations in regard thereto as have been provided for the practice of the other healing arts above mentioned."

and,

"We do not deem it necessary to cite authorities to the effect that the right to practice any of the healing arts is a property right, where the right to practice is based upon a license or certificate issued by the authority of our State Statutes.

"The above conclusions are reached upon the assumption that the various statutes above quoted are not in violation of the provisions of the State and Federal Constitutions.

"Defendant contends that any injunction restraining the defendant from practicing his profession of Naturopathy violates his constitutional rights under Section 2, Article 2, of our State Constitution, and the Fourteenth Amendment to the Federal Constitution."

If, under the guise of police power, the legislature of a state unreasonably and capriciously restrains one's liberty or property, the court may interpose the Constitution, and declare the law void.

"A law which unnecessarily and oppressively restrains a citizen from engaging in any traffic, or disposing of his property as he may see fit, though passed under the specious pretext of a preservation of the health of the inhabitants would be void."

State v. *Fisher*, 52 Mo. 174.

The decision of the Supreme Court of the State of Oklahoma is in favor of the validity of the State Statutes in question, while appellant attacks the validity of these statutes as being repugnant to the Fourteenth Amendment to the Constitution of the United States.

The failure of the State of Oklahoma to enact laws licensing, regulating, and controlling the practice of Naturopathy serves to curb, retard and otherwise prevent the practice, growth and development of the art, science and profession of Naturopathy, of which appellant is a member.

The State of Oklahoma has no statutes licensing, regulating and controlling the profession of Naturopathy, of which appellant is a member, and this State has not expressly manifested its intent that Naturopathy be included, or excluded, in the all embracive generic term: "Healing Art", as the same is employed in the Oklahoma statutes involved.

In view of the uncertain status of the profession of Naturopathy in Oklahoma, a United States Supreme Court decision on the questions presented would prevent a multiplicity of suits and consequent irreparable damage to the State of Oklahoma, the appellant, and the public at large, in that the decision of the Supreme Court of Oklahoma serves to authorize the County Attorney of each county in the State of Oklahoma to file separate lawsuits to enjoin the practice of Naturopathy.

The profession of Naturopathy, of which appellant is a member, is a separate and distinct system of healing, the practice of which is beneficial to the public health, welfare, safety and morals, and as such should enjoy the sanction of the laws of the State of Oklahoma, and the protection of the Constitution of Oklahoma, and of the United States. To hold otherwise would cause irreparable damage to the general public, including this appellant, and deprive the public of the sacred right to engage a physician of their own choosing. In support of the general public benefit to be derived from the practice of Naturopathy, the following states, including the District of Columbia and Hawaii, have taken leadership in espousing the enactment of laws to license, regulate and control this profession:

Arizona, Connecticut, California, Georgia, Florida, Indiana, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia and Washington.

On February 7, 1931, the United States Congress adopted a resolution officially defining Naturopathy for the District of Columbia.

The statutes involved, as interpreted and applied by the Supreme Court of Oklahoma, deny appellant, and other Naturopathic physicians the right to practice a healing art, which has been allowed to grow in this State untrammeled for approximately fifty years.

Taking the statutes of Oklahoma in question as interpreted and applied by the Supreme Court of Oklahoma to this appellant, are they unconstitutional?

Respectfully submitted,

CHARLES ORLANDO PRATT,
Suite 301 Continental Building,
1012 Fourteenth Street, Northwest,
Washington 5, D. C.,
Attorney for Appellant.

MAY, 1956.

Receipt of a copy of the foregoing instrument on this the 9th day of May, 1956, is hereby acqnowledged.

Mac Q. Williamson
Attorney General of Oklahoma

Fred Hansen,
First Asst. Atty. General.

OPINION BELOW

The opinion of the Supreme Court of Oklahoma is officially reported in 291 P. 2d 1033. A copy of the opinion is attached as Appendix "A".

APPENDIX "A"

Filed
in Supreme Court
of Oklahoma
May 11, 1956
Andy Payne, Clerk.

W. B. TAYLOR, Plaintiff in Error,

v.

STATE OF OKLAHOMA ex rel. ROSS RUTHERFORD, County Attorney, in and for Jackson County, State of Oklahoma, Defendant in Error.

No. 36745

Supreme Court of Oklahoma.

Oct. 18, 1955.

(Syllabus)

1. The county attorney may bring an action in the name of the state to prevent one from unlawfully engaging in the practice of any branch of the healing arts, where no board or other agency exists with authority to enforce a law vitally affecting the health and welfare of the people.

2. The violation of a statute designed to protect property rights and the health, safety and general welfore of the public against unlicensed persons who attempt to practice any branch of the healing arts as defined by our statutes (Sections 731.1 to 731.6, 59 O. S. 1951) may be prevented by injunction even though the statute may provide a criminal penalty for its violation.

3. The statutes requiring persons engaged in practicing or offering to practice any of the healing arts as defined in Sections 731.1 to 731.6, 59 O. S. 1951, to possess a license or certificate authorized and issued by the State Board of Examiners as provided in Chapter 16, 59 O. S. 1951, are not violative of Section 2, Article II of the Oklahoma Constitution, nor of the 14th Amendment of the Federal Constitution.

4. The statutory provisions requiring every person engaged in any branch of the healing arts to append to his name words or letters indicating the branch of the healing arts in which he is licensed to practice and is engaged (Sections 725.1 to 725.3, 59 O. S. 1951) does not deprive one of any constitutional right because the constitutional barrier against interference with the right to labor and earn a livelihood in any legitimate business or profession is aimed against any unlawful or unreasonable interference or abridgement of such right and not against any interference or abridgement of the right.

Appeal from District Court, Jackson County; Weldon Ferris, Judge.

Action by the State of Oklahoma ex rel. Ross Rutherford, County Attorney of Jackson County, against W. B. Taylor, seeking an injunction perpetually enjoining and restraining the defendant from engaging in, offering to engage in, or holding himself out as qualified to engage in the diagnosis or treatment of any human ill, or in using the term "Doctor" or any abbreviation thereof in violation of Sections 731.1 to 731.6, and Sections 725.1 to 725.3, 59 O. S. 1951 (Chapter 16 and 16 A, Title 59 Seccion Laws, 1947) without holding a license or certificate issued under the laws of Oklahoma. Injunction issued. Affirmed.

Hollis Arnett, Mangum, for plaintiff in error.

Mac Q. Williamson, Atty. Gen., Oklahoma City, Fred Hansen, First Asst. Atty. Gen., Oklahoma City, and Ross Rutherford, County Attorney, Jackson County, Altus, (B. E. (Bill) Harkey, Oklahoma City, of counsel), for defendant in error.

HALLEY, J. This action was instituted by the State of Oklahoma ex rel. Ross Rutherford, county attorney of Jackson county, Oklahoma, in the district court of that county, seeking a permanent injunction restraining W. B. Taylor from engaging in, offering to engage in, or holding himself out as qualified to engage in

the diagnosis or treatment of any human ill as defined in Sections 731.1 to 731.6, 59 O. S. 1951, and from using the prefix or abbreviation "Dr." and the word "physician" before or after his name as provided by Sections 725.1 to 725.3 and Section 702, 59 O. S. 1951.

The injunction as prayed for was granted September 20, 1954, and defendant has appealed. The parties will be referred to as they appeared in the trial court where the state was plaintiff and W. B. Taylor, defendant.

Plaintiff alleged that the statutes above cited and commonly referred to as the "Healing Arts Act" make it unlawful for any person to practice or offer to practice any branch of the healing arts or to engage in or hold himself out as qualified to engage in the diagnosis or treatment of any human ill as therein defined, unless he holds a legal license or certificate issued under the laws of Oklahoma authorizing him to do the things above set out.

It was alleged that W. B. Taylor held no such license or certificate but was engaged in such practice and holding himself out as qualified to do so, and that unless restrained he would continue to engage in the diagnosis and treatment of such human ills in violation of the statutes above referred to, to the irreparable damage or injury of the public and especially persons who may become a patient of the defendant, and that plaintiff is without adequate remedy of law.

Also, that defendant has appended the name or abbreviation "Dr." in front of his name and used the word "physician" in his advertising, both of which indicate that he was qualified for diagnosis and treatment of the healing arts in violation of Section 2, Title 59, Chapter 16, Session Laws of 1947, and prayed for a permanent injunction and restraining order forbidding the defendant from engaging in or holding himself out as qualified to engage in the diagnosis or treatment of any human ill as defined in the statutes hereinafter quoted and from using the prefix or abbreviation "Dr." or the word physician."

The defendant filed a combined demurrer and motion to dismiss in which he alleged that the county attorney is not the real party at interest; that the county attorney has no authority to bring this action in the name of the state; that the petition fails to state facts sufficient to entitle plaintiff to injunctive relief; that the acts alleged provide a criminal penalty and that plaintiff has an adequate remedy at law; and that the statutes above cited are discriminatory and violate Section 2, Article II, of the Constitution of Oklahoma, and the 14th Amendment of the Federal Constitution.

The demurrer and motion were overruled and defendant filed an answer setting up the same matters urged in his motion and demurrer and in addition alleged that the practice of naturopathy does not come within

the above statutory provisions, or, that if it does, defendant has complied therewith.

Defendant alleged that Naturopathy is a national recognized professional practice; that the Act alleged to have been violated by defendant is a criminal statute, provides a criminal penalty for its violation, giving the plaintiff an adequate remedy at law and that an injunction denying the defendant the further practice of his profession would in effect be denying him the right to trial by jury in violation of the State and Federal Constitutions.

The pertinent provisions of 59 O. S. 1951, Sections 731.1 to 731.4, are as follows.

"§731.1 (a) The word 'person', as used in this Act, shall include any individual, or association of individuals or group of individuals.

"(b) The words 'human ill', as used in this Act, shall include any human disease, ailment, deformity, injury or unhealthy or abnormal physical and/or mental condition of any nature.

"(c) The word 'diagnosis', as used in this Act, shall include the use professionally of any means for the discovery or determination of any human ill as herein defined, or the cause of any such human ill.

"(d) The word 'treatment', as used in this Act, shall include the use of drugs, surgery, including appliances, manual or mechanical means, or any other means

of any nature whatsoever, for the cure, relief, paliation, adjustment or correction of any human ill as defined herein."

* * * * * * * * *

"§731.2 Proof that any person appends to his name the word 'Doctor', word, abbreviation of designation, indicate that he is qualified for diagnosis and/or treatment, as herein defined, shall constitute prima facie evidence that he is holding himself out, within the meaning of this Act, as qualified to engage in such diagnosis and/or treatment. * * *

"731.3 No person shall in any manner engage in, offer to engage in, or hold himself out as qualified to engage in the diagnosis and/or treatment of any human ill unless such person is the holder of a legal and unrevoked license or certificate issued under the laws of Oklahoma authorizing such person to practice the healing art covered by such license and is practicing thereunder in the manner and subject to the limitations provided by the laws of the State of Oklahoma for the issuance of such license or certificate for the practice thereunder.

"731.4 Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than five (5) days, nor more than

thirty (30) days, or by both such fine and imprisonment. Each day upon which this Act shall be violated shall constitute a separate offense and be punishable as such."

Sections 725.1 to 725.3, 59 O. S. 1951, are as follows:

"725.1 Every person who writes or prints, or cause to be written or printed, his name (whether or not the word 'Doctor', or an abbreviation thereof, is used in connection therewith) in any manner in connection with such person in any manner engaging in, or in any manner holding himself out as engaging in, any of the branches of the healing art as defined in 59 O. S. 1941 §702, must append to his name so written or printed in the same size letters as his name appropriate and generally and easily understood words or letters, which clearly show and indicate the branch of the healing art in which he is licensed to practice and is engaged.

"725.2 The following six classes of persons who may use the word 'Doctor', or an abbreviation thereof, shall have the exclusive right to use (whether or not in connection with the word 'Doctor', or any abbreviation thereof) the following designations:

"1. The letters 'D.C.' by a person licensed to practice Chiropractic under Chapter 5, Title 59, Oklahoma Statutes 1941.

"2. The letters 'D.D.S.' by a person licensed to practice dentistry under Chapter 7, Title 59, Oklahoma Statutes 1941,

"3. The letters 'M.D.' by a person licensed to practice medicine and surgery under Chapter 11, Title 59, Oklahoma Statutes 1941.

"4. The letters 'O.D.' by a person licensed to practice optometry under Chapter 13, Title 59, Oklahoma Statutes 1941,

"5. The letters 'D.O.' by a person licensed to practice osteopathy under Chapter 14, Title 59, Oklahoma Statutes 1941, and

"6. The letters 'D.S.C.' by a person licensed to practice chiropody under Chapter 4, Title 59, Oklahoma Statutes 1941.

"724.3 Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment. Each day this Act is violated shall constitute a separate offense and shall be punishable as such."

The evidence offered by the plaintiff consisted of the testimony of several people who had been treated by the defendant. One witness testified that in April, 1954, she was treated for kidney stones by the defendant who gave her certain pills to dissolve the stones; that the treatments "were irrigation of the bowels, and a mechan-

ical something on the kidney back here: an electric something that he ran over my back." She stated the amount charged for such treatments.

Another witness testified defendant gave him several treatments with "some kind of an electric machine on my back" for arthritis and also gave him three injections or shots, one of which was in his arm and two in his hip; that defendant prescribed "Vitamore" for him and that such treatments stopped the pain but that such pain started again. He also testified as to the fees charged and paid.

A third witness testified that the defendant diagnosed her illness as "neuritis" and gave her several shots or injections in the arm; that the shots cost $4 each; that she understood the shots were "Panbile" or "dried ox bile", and that she read defendant's advertisement in the Altus Times Democrat.

A fourth witness testified that defendant gave her treatments in March, 1954; that she first went twice a week and was given "machine treatments" and "shots" and "vitamins". Defendant told her she had "concrete regrowth of tissue" from an early injury and administered what she thought he said was "iodine" by way of some kind of pack. This witness testified that she had been to other doctors before going to defendant and prior to going to him she had lost much weight and had to go to bed each month on account of menstrual periods and

that he used a machine on her and she obtained relief for the first time.

It was stipulated that the following sign appeared on the defendant's window and office door after the middle of January, 1954

"Dr. W. B. Taylor N. D.
Physician—General Practice"

Plaintiff introduced a prescription given by "Dr. W. B. Taylor, N.D." to Mrs. Hardage and also the six tablets so prescribed. Plaintiff also introduced the following advertisement:

"Announcing
Dr. W. B. Taylor, N.D.
Physician & Staff
OFFICES NOW OPEN
220 N. Main Altus
Affiliated with the Arthritis National
Research Foundation.
Specializing in Physical Therapy, Arthritis,
Rheumatism, Colon disorders, Brusitis.
The most scientific and advanced treating techniques offered.
* * * *"

Plaintiff introduced an advertisement "By the courtesy of the National Research Foundation" and defendant testified, "I was acting with the National Research Foundation", and in January, 1954, the following advertisement appeared:

"A CHALLENGE TO THE SICK & CRIPPLED
FREE CLINIC DAY
TUESDAY, JANUARY 26th
THURSDAY, JANUARY 28th

No one is under obligation for examination and introductory treatment for ARTHRITIS, RHEUMATISM, NEURITIS or ALLIED DISORDERS.

All new and modern equipment. Scientific records of years of research. Records of successful dissipation of gall stones and kidney stones without surgery.

Dierker Hospital method of colon restoration and rectal troubles.

All appointments must be made by telephone preceding Free Clinic Day.
Courtesy of the
Arthritis National Research Foundation
220 N. Main Street
Phone 2393 Altus, Okla."

The defendant testified that he is a "Naturopathic Doctor" and had been operating in Altus, Oklahoma, since January, 1954, and that his "license or certificate" to so practice is as follows:

"OKLAHOMA STATE BOARD OF
NATUROPATHY

"This is to certify that Dr. W. B. TAYLOR is granted this LICENSE to practice in the State of Oklahoma as a NATUROPATHIC PHYSICIAN having met the requirements and passed the required examination, as set forth in the charter granted by the State of Oklahoma on the third day of June, 1939, to the Okla-

homa Association and College of Naturopathy and Physiotherapy Doctors, Inc., we, the officers of this duly appointed Board of Examiners, do hereby sign our names and place the seal of the Board on this doctor's license certificate, thereby entitling _____ to all the benefits and honors thereof on the 4th day of Jan., 1954.

Max V. Tauscher, N.D.
Secretary

Dr. Geo. W. Boley, N.D.
Treasurer

Dr. Geo. King, N.D.
President

"This license is validated for each insuing year by payment of the sum of ten dollars to the Treasurer of the Board during the month of January of each year. License may be revoked by this Board or any succeeding Board for failure to abide by the laws of this Board or by conduct unbecoming a reputable Physician."
("Seal")

The defendant also introduced a certified copy of the articles of incorporation of the "Oklahoma Naturopathic and Physiotherapy Physicians Association, Oklahoma City", and also the Charter or certificate issued to said association dated February 2, 1954. In regard to the certificate or license introduced by the defendant, he testified:

Q. Now, that is the certificate upon which you are relying, to practice, as far as the certificate is concerned, in the State of Oklahoma? A. That is correct."

On cross-examination, defendant testified that since about January 1, 1954, he had "treated arthritis" in Jackson county, Oklahoma, and specialized in "rheumatism" and that for such ailments he gave "shots" "with a hypodermic needle" penetrating the flesh of his patients to whom he gave "vitamins" to relieve them. He testified that it was his theory that vitamins were not drugs and that he specialized in the treatment of colon disorders by mechanical therapy, that is, by flushing out the lower intestines, and that he also treated bursitis as an inflammation condition of the bursa under the tendons of the shoulder by means of ultra high frequency sound waves. He testified that he considered himself qualified to diagnose the diseases referred to in plaintiff's exhibit No. 4, including arthritis, rheumatism, neuritis, or allied disorders and dissipation of gall stones and kidney stones without surgery.

Defendant stated that he did not know whether the Oklahoma State Board of Naturopathy, mentioned in his license, is authorized by the statutes of Oklahoma as one of the branches of healing arts of this state and that he secured such license after a very intensive examination in Oklahoma City, but that there was no college called the Oklahoma Association and College of Naturopathy

and Physiotherapy Doctors and no teaching staff or equipment where he took the examination, but that the examining board had offices there.

It is not denied that the defendant has no license or certificate authorized by the State of Oklahoma. Section 731.3, supra, expressly states that:

"No person shall in any manner engage in, offer to engage in, or hold himself out as qualified to engage in the diagnosis and/or treatment of any human ill unless such person is the holder of a legal and unrevoked license or certificate issued under the laws of Oklahoma authorizing such person to practice the healing arts covered by such license * * *."

The defendant admits that he has no license or certificate issued by the State Board of Examiners. No board exists which is authorized to issue such license or certificate. He does hold a license issued by authority of an Oklahoma Corporation which was created and set up by the Naturopaths themselves. The certificate which the defendant holds is not authorized by the laws of Oklahoma.

Again the defendant admits that he uses the word "Doctor", or abbreviation thereof, and that he is not one of the six classes of persons given the exclusive right to use such word or any abbreviation thereof by Section 725.2, 59 O. S. 1951, commonly referred to as the "Doctor's Title Act."

The foregoing admitted facts and the undisputed evidence above outlined make it clear that the defendant is engaged in violating the statutes above quoted.

Defendant contends that neither the facts nor the pleadings are sufficient to entitle the plaintiff to injunctive relief. It is true that each of the acts quoted carries a criminal clause making a violation thereof a misdemeanor, and each day of violation constitutes a separate offense.

Defendant takes the position that the county attorney is only authorized to represent the state in criminal actions and civil actions wherein the county is an interested party, or to abate a common nuisance.

Since the "healing arts act" does not create any state board, it can only be enforced by a criminal or civil action brought by the county attorney for the state. The county attorney is authorized to appear in and prosecute certain actions by Section 183, 19 O. S. 1951, in the following language:

"The county attorney shall appear in all trial courts and prosecute all actions for crimes committed in his county, whether the venue is changed or not; and he shall prosecute or defend in all courts, State and Federal, in any county in this State, all civil actions or proceedings in which his county is interested or a party."

It is also provided by Section 738.1, 59 O. S. 1951, as follows:

"Injunctions, without bond, may be granted by district and superior courts to the Oklahoma State Board of Chiropody, the Board of Chiropractic Examiners, the Board of Medical Examiners, the Board of Examiners in Optometry, the Board of Pharmacy, or the State Board of Osteopathy, for the purpose of enforcing the respective acts and laws creating and establishing such boards. Laws 1951, p. 166, §1."

Section 738.4, of the same Title, provides:

"Nothing in this Act shall abrogate the right of any county attorney in this State to institute an action to enjoin or prosecute for violations of any of the laws of this State relating to the practice of any of the healing arts. Laws 1951, p. 166, §4."

The two sections last quoted show that the Legislature evidently intended to give the county attorney authority to institute an action to enjoin the violation of laws controlling the practice of the healing arts in this state. In State Bar of Okla. v. Retail Credit Ass'n. et al., 170 Okla. 246, 37 P. 2d 954, this court had before it an action to enjoin a retail credit association from engaging in the practice of law. It was said in the syllabus:

"Ordinarily, injunction will not lie purely to restrain or prevent commission of crime, but where the injunction is fully warranted to restrain a series of acts or a course of conduct, the court is not deprived of jurisdiction by

the mere fact that acts constituting statutory offenses must be enjoined as incidental to the general relief sought.

"Under provisions of the State Bar Act, chapter 22, art. 2 (§4210 et seq.), O. S. 1931, the state bar may maintain an action to enjoin the unauthorized practice of law by a corporation and its agents, and to enjoin acts which are unauthorized and illegal and which tend to bring into disrepute the practice of law and the administration of justice."

The State Bar Act makes no mention of injunctions to prevent its violation, but this court, in a well considered opinion, upheld such a remedy and, in the body of the opinion, at page 957, stated:

"The state has a vital interest in the regulation of the practice of law for the benefit and protection of the people as a whole, and this act was adopted in furtherance of a wholesome public policy. Clearly it was intended by the Legislature to create the state bar, vested with power to enforce the provisions of the State Bar Act by whatever lawful means it might employ for that purpose. * * *"

In the body of the opinion the court discussed cases from Utah, Louisiana and Kentucky, which appear to uphold the right of injunctive relief to prevent a violation of state laws which are also made criminal and provide a criminal punishment. In the case of Kentucky State Board of Dental Examiners v. Payne, 213 Ky. 382,

281 S. W. 188, the Supreme Court of Kentucky held that a court of equity might restrain one from unlawfully practicing dentistry in that state despite the fact that such acts constitued a criminal offense.

The case of Choctaw Pressed Brick Co. v. Townsend et al., 108 Okla. 235, 236 P. 46, is also cited. In that case an officer of the state was accused of disposing of prison-made pressed brick without marking the same as prison-made as required by the statutes. The court held that an injunction against such practice was warranted despite the fact that such acts constituted a crime under a criminal statute.

The state also cited Unger et al. v. Landlords' Management Corporation, 114 N. J. Eq. 68, 168 A. 229, where it was held that the mere fact that the practice of law without a license was punishable criminally, did not prevent the issuance of injunction to prevent its continuance.

In Nation et al. v. Chism et al., 154 Okla. 50, 6 P. 2d 766, the court said in the body of the opinion as follows:

"We are aware of the fact that many courts hold that injunctive relief will not be granted to prevent the enforcement of a criminal statute. Many of those decisions are based on statutes and procedure not applicable in Oklahoma. The distinctions between actions at law and suits in equity have been abolished in Oklahoma.

Section 178, C. O. S. 1921, Section 405 C. O. S. 1921, provides for injunctive relief, not only to prevent "injury to the plaintiff,' but injury to 'the plaintiff's rights respecting the subject of the action.' Under the provisions of that section, it cannot be said that injunctive relief in Oklahoma is limited to protection of property. * * *"

We can conceive of no profession which affects the public welfare more than that of the practice of medicine and allied professions which seek to cure or alleviate human ills. We conclude that the mere fact that a violation of the statutes, here charged to be violated, constitutes a criminal offense, does not deprive a court of equity from granting injunctive relief to prevent such violations.

The defendant quotes extensively from the early case of State ex rel. West. Atty. Gen. v. State Capitol Co., 24 Okla. 252, 103 P. 1021, where the Attorney General undertook to enjoin a newspaper from advertising the sale of whisky in another state, when such sale in Oklahoma constituted a violation of the law. In that case this court quoted the following from State v. Patterson et al., 14 Tex. Civ. App. 465, 37 S. W. 478, on the question of whether an injunction would lie to prohibit the commission of an act which was a crime or a nuisance:

"* * * With regard to the first proposition, we believe it will be conceded that, where property rights are involved courts will issue injunctions, notwithstanding

it may embrace a crime: or, if it should not be so conceded, we believe, on principle and authority, that this proposition cannot be gainsaid. * * *"

We think the admitted facts before the court justified the issuance of an injunction against the defendant. If the practice of Naturopathy is such as will benefit the people of Oklahoma, it seems that the Legislature should authorize its practice and provide such regulations in regard thereto as have been provided for the practice of the other healing arts above mentioned.

In 1943, this court decided the case of Curtis v. Registered Dentists of Oklahoma, 193 Okla. 233, 143 P. 2d 427. The defendant, Curtis, was not a licensed or registered dentist and it was sought to enjoin him from practicing dentistry in Oklahoma in violation of the then existing State Dental Act (59 O. S. 1951, Sections 221 to 326). Even though such practice was subject to criminal prosecution, this court held that an action for injunction was proper even though the Act did not mention injunction actions. In the third paragraph of the syllabus, the rule was announced as follows:

"The violation of a statute designed to protect the public against unlicensed persons who attempt to practice dentistry may be prevented by injunction even though the statute be also a penal one."

We do not deem it necessary to cite authorities to the effect that the right to practice any of the healing arts is

a property right, where the right to practice is based upon a license or certificate issued by the authority of our state statutes.

The above conclusions are reached upon the assumption that the various statutes above quoted are not in violation of the provisions of the State and Federal Constitutions.

Defendant contends that any injunction restraining the defendant from practicing his profession of Naturopathy violates his constitutional rights under Section 3, Article II of our State Constitution and the 14th Amendment of the Federal Constitution. Section 2, Article II of the Constitution of Oklahoma provides:

"All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry."

Section 1 of the 14th Amendment to the Federal Constitution is in part as follows:

"* * * No State shall make or enforce any law which shall abridge the privileges of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

In support of these propositions, the defendant cites the case of Nation v. Chism, supra. In that case the plaintiffs sought to enjoin enforcement of House Bill No. 23,

Session Laws of 1931, (Chapter 24, Article II, commonly referred to as the "Barbers Bill"), claiming that the Act was never enacted by the Legislature and never approved by the Governor. The court said in considering a demurrer to the petition that:

"Nothing herein said is intended as a determination of whether or not the act is constitutional. We are limiting our consideration of the act to the allegation of the petition hereinabove quoted. * * *"

The court did discuss some constitutional questions and in the fifth paragraph of the syllabus said:

"The right to labor or earn one's livelihood in any legitimate field of industry or business is a right of property, and any unlawful or unreasonable interference with or abridgement of such right is an invasion thereof, and a restriction of the liberty of the citizen as guaranteed by the Constitution."

The defendant relies upon this decision but we are unable to understand how he may rely upon it in view of the court's statement that it was not considering the constitutionality of the Barbers Bill.

There is also cited the case of Butchers' Union, etc., v. Crescent City, etc., Co., 111 U. S. 746, 28 Law Ed. 585. An examination of this opinion discloses that it involves the validity of an ordinance of the City of New Orleans giving to one concern the exclusive right to land and butcher at the slaughterhouse all livestock entering

the city, by virtue of the Act of The Assembly of Louisiana and entitled an Act to protect the health of the city. We do not find that it has a direct bearing upon the issues before us. In the first and third paragraphs of the syllabus it is stated:

"Although the Legislature of a State may give an exclusive right, for the time being, to particular persons or to a corporation to provide a stock landing and to establish a slaughter-house in a city, it has no power to continue such right so that no future Legislature nor even the same body can repeal or modify it or grant similar privileges to others."

"The Legislature of a State cannot by any contract, limit the exercise of the police powers of the State to the prejudice of the general welfare, in regard to the public health and public morals."

The holding in this case involves a discriminatory Act in that it gives certain privileges to one company and forbids the exercise of such privileges by others.

It is claimed also by the defendant that Section 16 A, Title 59, page 357, Session Laws of 1947 (Section 725.1 to 725.3, inclusive, 59 O. S. 1951) if applicable violates defendant's constitutional rights because it is a criminal statute and defendant is entitled to be tried by a jury for a violation thereof. The last-cited statute is referred to as the "Doctors' Title Act." We have heretofore pointed out that courts of equity may enjoin certain acts affect-

ing the rights, property and general welfare of the people, even though such acts are also made criminal offenses.

In Ex parte Herrin, 67 Okla. Cr. 104, 93 P. 2d 21, the defendant had been placed in jail for an alleged violation of the "Barbers Bill" and the court said in part, in quoting from volume 7, page 614, Am. Jur.:

"What regulations shall be made are largely questions for the legislative body to determine; and unless those made are unreasonable and extravagent in their nature and purpose, or arbitrarily interfere with or destroy the property or personal rights of citizens, they will be sustained by the courts, even though they may be unwise, inexpedient, or place a needless restriction upon those who desire to learn the barber's trade. The Legislature cannot, however, under guise of its police power, impose upon barbershops and beauty parlors unreasonable, capricious, or arbitrary regulations having no relation to the public health or welfare or, under guise of regulation, destroy that profession. * * *"

The Act provided that barber students may not charge for their services rendered in a barber school or college. The Act was held constitutional in Schwarze v. Clark, 188 Okla. 217, 107 P. 2d 1018, wherein it was pointed out that the constitutional barrier is not against an Act regulating the practice of certain occupations but against any unlawful or unreasonable interference or abridgement of the right.

In State ex rel. Grigsby v. Silver, 198 Okla. 526, 180 P. 2d 657, the state sought to enjoin defendant from practicing optometry without a certificate from the State Board of Optometry. It is made clear that the injunction would have been granted except for the fact that upon being served with process the defendant ceased to practice optometry and declared that he had only done so while under the impression that he was not violating the law.

In State ex rel. La Prade, Atty. Gen. v. Smith, 29 P. 2d 718, 92 A. L. R. 168, it appears that the statutes of Arizona provided that "anything which is injurious to health * * * is a public nuisance." We have no statute in Oklahoma similar to the Arizona statute, but we think the rule announced in that case is worthy of our attention in considering the matter before us. In the body of the opinion, at page 719, it is said:

"The matter of the regulation of the practice of medicine and surgery by the state is one of great public interest. It is regulatory and has for its purpose the protection of the public-health—something that affects all people and in which they are all interested. The enforcement of such regulatory provisions, for the obvious reason that they concern the whole people, is especially committed to governmental agencies, and the Attorney General as the legal adviser of the state we think may very properly institute and prosecute a suit against those who fail or refuse to comply with such regulations."

The practice of any branch of the healing arts certainly affects the health and well-being of the people of Oklahoma and, so long as the law regulating such matters is reasonable and nondiscriminatory, we think it is not unconstitutional and that a court of equity may properly enjoin such practice where there has been a failure to obtain a license authorized by the State Board of Medical Examiners as provided in the statutes above quoted.

The judgment of the trial court is affirmed.

JOHNSON, C. J. WILLIAMS, V. C. J., and WELCH, CORN, BLACKBIRD, and JACKSON, J. J., concur.

APPENDIX "B"

IN THE DISTRICT COURT OF JACKSON COUNTY, STATE OF OKLAHOMA.

STATE OF OKLAHOMA, ex rel. Ross Rutherford, County Attorney in and for Jackson County, State of Oklahoma,	)	
Plaintiff,	)	
v.	)	Number 10,534
W. B. TAYLOR,	)	
Defendant.	)	

JOURNAL ENTRY OF JUDGMENT

NOW, on this 20th day of September, A. D. 1954, this matter came on for hearing pursuant to assignment before Honorable Weldon Ferris, District Judge of Jack-

son County, Oklahoma, upon the application of the plaintiff for a permanent injunction against the defendant, and was by agreement of Counsel heard on the application for permanent injunction, the plaintiff appearing by Ross Rutherford, County Attorney for Jackson County, Oklahoma; Tal Oden, Assistant County Attorney for Jackson County, Oklahoma, and Fred Hansen, Assistant Attorney General of the State of Oklahoma; and the defendant appearing in person and by his attorney, Hollis Arnett.

WHEREUPON, the defendant presented his Combined Demurrer and Motion to Dismiss, which was by the Court overruled and exceptions allowed.

WHEREUPON, plaintiff put on its evidence and rested, to which the defendant demurred for the reason that said evidence was wholly insufficient to show either that the County Attorney was the real party in interest or that he had authority to bring this action and for the further reason that the proof wholly failed to show that the State or anyone else was entitled to injunctive relief, which demurrer was by the Court overruled and exceptions allowed.

THEREUPON, defendant put on his evidence and rested, and both sides rested. Whereupon defendant renewed his demurrer and moved the Court for judgment denying the injunction, which was by the Court overruled and exceptions saved.

And, the Court, after hearing the argument of Counsel and being fully advised in the premises, finds that the injunction should be granted as prayed for in plaintiff's petition.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court, that the defendant, W. B. Taylor be and he is hereby perpetually enjoined and restrained from engaging in, offering to engage in and/or holding himself out as qualified to engage in the diagnosis and/or treatment of any human ill, as defined in Chapter 16A, Title 59, Page 357, Oklahoma Session Laws 1947, and from using the prefix or abbreviation "Dr." in front of his name, and the word "physician" in his advertising, to which order and judgment of the Court the defendant excepted.

Immediately thereafter, the defendant presented his Motion for a New Trial, which was heard by the Court, and overruled and exceptions allowed by defendant.

Said defendant gave notice in open court of his intention to appeal to the Supreme Court of the State of Oklahoma, and requested supersedeas to be granted and fixed and time allowed for filing same, and the Clerk of said Court is directed and ordered to enter said notice upon the docket and minutes of said Court.

And, said defendant praying an appeal to the Supreme Court, and an extension of time within which to make and serve case-made, for good cause shown, IT IS

ORDERED that an extension of sixty days from this date be granted said defendant to make and serve case-made, plaintiff to have ten days thereafter to suggest amendments, same to be settled on five days notice in writing by either party.

IT IS FURTHER ORDERED that the statutory supersedeas bond in the sum of $500.00 be given by said defendant, within twenty days, and that execution be stayed during the twenty days, and thereafter pending the appeal if said bond is given.

WELDON FERRIS
Judge of the District
Court, Jackson County,
Oklahoma.

ATTEST: W. P. Hurst, Court Clerk
(SEAL)

By Cletis Johnson, Deputy

OK
Ross Rutherford
County Attorney, Jackson County,
Oklahoma,

OK
Hollis Arnett,
Attorney for Defendant.

APPENDIX "C"

TITLE 59, OKLAHOMA STATUTES ANNOTATED

UNLAWFUL PRACTICE OF HEALING ARTS

§ 731.1 DEFINITIONS

(a) The word "person", as used in this Act, shall include any individual, or association of individuals or group of individuals.

(b) The words "human ill", as used in this Act, shall include any human disease, ailment, deformity, injury or unhealthy or abnormal physical and/or mental condition of any nature.

(c) The word "diagnosis", as used in this Act, shall include the use professionally of any means for the discovery or determination of any human ill as herein defined, or the cause of any such human ill.

(d) The word "treatment", as used in this Act, shall include the use of drugs, surgery, including appliances, manual or mechanical means, or any other means of any nature whatsoever, for the cure, relief, paliation, adjustment or correction of any human ill as defined herein.

(e) The word "qualified phychologist", as used in this Act, shall include any individual holding a Ph.D., or an Ed.D., or an M.A. degree in psychology from a college or university, recognized by The American Psychological Association. Laws 1947, p. 357, § 1.

§ 731.2 PRIMA FACIE EVIDENCE OF HOLDING OUT

Proof that any person appends to his name the word "Doctor", the abbreviation "Dr.", or any other word, abbreviation of designation, which word, abbreviation or designation, indicate that he is qualified for diagnosis and/or treatment, as herein defined, shall constitute prima facie evidence that he his holding himself out, within the meaning of this Act, as qualified to engage in such diagnosis and/or treatment. Provided that nothing in this Act shall be construed to prevent a qualified psychologist holding the degree of Ph.D. or Ed.D. from appending to his name the word "Doctor", so long as he follows his name with the letters signifying his profession field, either Ph.D., or Ed.D. Laws 1947, p. 358, § 2.

§ 731.3 UNLICENSED PERSON NOT TO HOLD HIMSELF OUT AS QUALIFIED

No person shall in any manner engage in, offer to engage in, or hold himself out as qualified to engage in the diagnosis and/or treatment of any human ill unless such person is the holder of a legal and unrevoked license or certificate issued under the laws of Oklahoma authorizing such person to practice the healing art covered by such license and is practicing thereunder in the manner and subject to the limitations provided by the laws of the State of Oklahoma for the issuance of such license or certificate for the practice thereunder. Laws, 1947, p. 358, § 3.

§ 731.4 PUNISHMENT FOR VIOLATIONS

Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than five (5) days, nor more than thirty (30) days, or by both such fine and imprisonment. Each day upon which this Act shall be violated shall constitute a separate offense and be punishable as such. Laws 1947, p. 358, § 4.

§ 731.5 APPLICATION OF LAW

Nothing in this Act shall apply to any commissioned officer in any of the healing arts licensed as such in the United States Army, Navy, Marine, U. S. Public Health Service, or Marine Hospital service, in the discharge of his professional duties, or to any legally qualified person when engaged exclusively in the practice of his particular profession, as defined by law, or to any licensed person practicing any of the healing arts from another State, or territory, when in actual consultation with a licensed practitioner in this State; nor shall this Act apply to any qualified lay psychoanalyst who is practicing psychoanalysis in cooperation with a physician or Doctor of Medicine; nor shall it prevent any student in any recognized school of the healing arts in carrying out prescribed courses of study provided such school is a recog-

nized institution by the Statutes of Oklahoma, and its practitioners are duly licensed as prescribed by law, nor shall this Act be construed in any way to interfere with the practice of those who endeavor to prevent, or cure, disease or suffering, by spiritual means or prayer; nor shall this Act be construed to interfere in any way with a qualified psychologist in the discharge of his professional duties, so long as he is employed by any State or Governmental agency, or any recognized college or university. Laws 1947, p. 358, § 5.

§ 731.6 PARTIAL INVALIDITY

If any section, paragraph or clause of this Act is for any reason held invalid, such fact shall not affect the validity of any other portion hereof. Laws 1947, p. 359, § 6.

DESIGNATION OF BRANCH OF HEALING ART

§ 725.1 BRANCH OF HEALING ART INDICATED BY APPENDING WORDS OR LETTERS TO NAME

Every person who writes or prints, or causes to be written or printed, his name, (whether or not the word "Doctor", or an abbreviation thereof is used in connection therewith) in any manner in connection with such person in any manner engaging in, or in any manner holding himself out as engaging in, any of the branches of the healing art as defined in 59 O. S. 1941, § 702, must append to his name so written or printed in the

same size letters as his name appropriate and generally and easily understood words or letters, which clearly show and indicate the branch of the healing art in which he is licensed to practice and is engaged. Laws 1947, p. 357, § 1.

§ 725.2 DESIGNATIONS TO BE USED AND BY WHOM

The following six classes of persons who may use the word "Doctor" or an abbreviation thereof, shall have the exclusive right to use (whether or not in connection with the word "Doctor" or any abbreviation thereof) the following designations:

1. The letters "D.C." by any person licensed to practice chiropractic under Chapter 5, Title 59, Oklahoma Statutes 1941.

2. The letters "D.D.S." by a person licensed to practice dentistry under Chapter 7, Title 59, Oklahoma Statutes 1941.

3. The letters "M.D." by a person licensed to practice medicine and surgery under Chapter 11, Title 59, Oklahoma Statutes 1941.

4. The letters "O.D." by a person licensed to practice optometry under Chapter 13, Title 59, Oklahoma Statutes 1941.

5. The letters "D.O." by a person licensed to practice osteopathy under Chapter 14, Title 59, Oklahoma Statutes 1941, and

6. The letters "D.S.C." by a person licensed to practice chiropody under Chapter 4, Title 59, Oklahoma Statutes 1941.

Laws 1947, p. 357, § 2.

§ 725.3 PUNISHMENT FOR VIOLATIONS

Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment. Each day this Act is violated shall constitute a separate offense and shall be punishable as such. Laws, 1947, p. 357, § 3.

§ 702 TERM "HEALING ART" DEFINED

For the purposes of this Act, the term healing art includes any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition. Laws 1937, p. 91, § 2.

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below: 1 N. Y. 2d 680, 135 N. E. 2d 711.

No. 88. TAYLOR *v.* OKLAHOMA EX REL. RUTHERFORD, COUNTY ATTORNEY. Appeal from the Supreme Court of Oklahoma. *Per Curiam:* The appeal is dismissed for want of a substantial federal question. *Charles Orlando Pratt* for appellant. Reported below: 291 P. 2d 1033.

No. 188. [illegible] *v.* [illegible]. Appeal from the